

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBIN MIDDLETON,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
SERGEANT ROBERT DEBLASIS,	:	NO. 11-cv-4124-JD
CORPORAL KAREN CHURCH, and	:	
CITY OF PHILADELPHIA,	:	
Defendants.	:	

ORDER

AND NOW, this 30th day of December, 2011, upon consideration of Defendant Robert Deblasis, Karen Church and the City of Philadelphia's Motion to Dismiss Plaintiff's Complaint (Doc. No. 4, filed October 14, 2011) and Plaintiff's Response to Defendants' Motion to Dismiss (Doc. No. 5, filed October 31, 2011), for the reasons set forth in the Memorandum dated December 30, 2011, **IT IS ORDERED** that Defendant Robert Deblasis, Karen Church and the City of Philadelphia's Motion to Dismiss Plaintiff's Complaint is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. That part of defendants' motion seeking dismissal of Count I of the Complaint, a claim alleging First Amendment retaliation, is **GRANTED**. Count I of the Complaint is **DISMISSED**.

2. That part of defendants' motion seeking dismissal of Count II of the Complaint, a claim alleging racial discrimination in violation of 42 U.S.C. § 1983, is **DENIED**. However, Count II is limited to defendants' refusal to allow plaintiff to attend church services while on duty.

3. That part of defendants' motion seeking dismissal of Count III of the Complaint, a claim alleging municipal liability under 42 U.S.C. § 1983, is **DENIED**. However, Count III is limited to the City of Philadelphia's deliberate failure to train its police officers.

4. That part of defendants' motion seeking dismissal of Count IV of the Complaint, a claim alleging employment discrimination and retaliation under Title VII of the Civil Rights Act of 1964, is **DENIED**. However, plaintiff's Title VII employment discrimination claim is limited to defendants' refusal to allow plaintiff to attend church services while on duty, and plaintiff's Title VII retaliation claim is limited to Corporal Church's EEO Unit complaints and defendants' refusal to give plaintiff a hospital referral or provide an injury report for the hospital.

5. That part of defendants' motion which seeks dismissal of Count V of the Complaint, a claim alleging violations of the Philadelphia Human Relations Act, is **DENIED**. However, Count V is limited in the same ways as Count IV.

BY THE COURT:

_____/s/ Hon. Jan E. DuBois____

JAN E. DUBOIS, J.